

IC 13-17-12

Chapter 12. Enforcement of Local Air Pollution Ordinances

IC 13-17-12-1

Adoption and enforcement of local air pollution ordinances and programs

Sec. 1. Air pollution control laws do not prevent towns, cities, or counties from:

- (1) enforcing local air pollution ordinances consistent with air pollution control laws; or
- (2) adopting or enforcing more restrictive ordinances to further the expressed purposes of air pollution control laws.

As added by P.L.1-1996, SEC.7.

IC 13-17-12-2

Power of county to adopt and enforce air pollution ordinances

Sec. 2. (a) For the maintenance of the quality of the air resource, a county may adopt and enforce ordinances controlling air pollution.

(b) In a county not having a consolidated city, the ordinances may not include municipalities with an air pollution ordinance under air pollution control laws.

(c) In a county having a consolidated city, a county air pollution ordinance may apply throughout the entire county, including territory inside the corporate boundaries of excluded cities.

As added by P.L.1-1996, SEC.7.

IC 13-17-12-3

Cooperation of towns, cities, or counties

Sec. 3. A town, city, or county within an air quality basin may administer its air pollution control program in cooperation with one (1) or more towns, cities, or counties of Indiana in accordance with IC 36-1-7. However, a county having a consolidated city is not required to enter into an agreement under IC 36-1-7 to regulate air pollution inside an excluded city in the county.

As added by P.L.1-1996, SEC.7.

IC 13-17-12-4

Annual reports

Sec. 4. An air pollution control agency shall submit annual reports as requested by the department.

As added by P.L.1-1996, SEC.7.

IC 13-17-12-5

Failure of air quality jurisdiction or administrator to enforce ordinances

Sec. 5. If:

- (1) an air quality jurisdiction; or
- (2) an administrator of an air quality jurisdiction;

fails to enforce a local ordinance that affords protection to the public equal to that provided by state law, the department may, after

consultation with the jurisdiction or administrator, take appropriate action necessary to enforce applicable provisions of state law.

As added by P.L.1-1996, SEC.7.

IC 13-17-12-6

Establishment of air permit program

Sec. 6. A county having a consolidated city may, subject to department approval, establish an air permit program that complies with:

- (1) the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549);
- (2) regulations implementing Title V of the Clean Air Act Amendments of 1990 (40 CFR 70 et seq.); and
- (3) rules adopted by the board.

As added by P.L.1-1996, SEC.7.